IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 17473 of 2006

DATE OF DECISION : 6.11.2006

R.D.Bharti

.....PETITIONER

VERSUS

Vice Chancellor, CCS, HAU, Hisar and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Ms.Anju Arora, Advocate for petitioner.

M.M.KUMAR,J.

The prayer made by the petitioner in the instant writ petition is for quashing order dated 4.10.2006 (Annexure P-14), which is reply to the legal notice sent by him through his counsel. According to the reply of respondent No.3 , Smt. Sudesh Malik has been promoted as English Lecture some where in 1999. The claim of the petitioner is that he cannot be non suited on the ground that he has less than 50% marks in M.A. English and being far senior to respondent No.4, he deserves to be considered and promoted on the post of English Lecturer, school cadre. It is the admitted position that the petitioner has joined as English Teacher on 19.8.1988 and respondent No.4 had joined as such on 18.5.1995. It is the further case of the petitioner that the petitioner came to know about her qualification in the

year1999 and,therefore, he could not challenge her promotion within the period of limitation.

Having heard learned counsel for the petitioner we are of the view that there is unexplained delay in filing of the writ petition. Respondent No.4 is admittedly promoted as Lecturer in English in the year 1999 and the cause of action, if any, had arisen to the petitioner in that year. However, no grievance was made and respondent No.4 continued to discharge her duties as English Lecturer. It is well settled that the period of limitation for filing a suit can easily be imported in the filing of the writ petition as has been held by the Hon'ble Supreme Court in **State of M.P. Vs Bahi Lal Bhai AIR, 1964 SC 1006.** The matter , which has been settled in the year 1999 cannot be reopened at the instance of the petitioner to the prejudice of respondent No.4. Moreover, the argument that she has never worked as English Lecturer by teaching English language would not survive because after working for about 7 years on the post of English Lecturer, she would be deemed to have acquired even that qualification. The writ petition suffers from delay and latches and,therefore, the same cannot be admitted.

The other argument raised by the learned counsel for the petitioner is that the petitioner has been making representations continuously and the same were not replied It eventually resulted into sending a legal notice through his counsel. However, we are not impressed with the aforementioned submission of the learned counsel because sending of repeated representations would not extend the period of limitation as has been held by a Constitution Bench of the Supreme Court in **S.S.Rathore vs State of M.P., AIR 1990 SC 11**. Accordingly, that

argument has also to be rejected.

Dismissed.

(M.M.KUMAR)
JUDGE

November 6 ,2006
TSM

(M.M.S.BEDI)
JUDGE